

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VICTORIA RYAN,

Plaintiff,

v.

EDITIONS LIMITED WEST, INC., ET  
AL.,

Defendants.

Case No.: C 06-4812 PVT

**ORDER DENYING PARTIES'  
STIPULATION TO CHANGE THE  
HEARING DATE**

**[Docket Nos. 151 and 152]**

Following entry of an order granting as unopposed defendant Editions Limited West, Inc.'s motion for award of attorneys' fees, plaintiff Victoria Ryan filed two stipulations by the parties to change the hearing date on that same motion. ("ELW"). *See* Docket Nos. 151 and 152. Both stipulations were filed on the same date as the order (though after the order had been filed) and within minutes of each other. The first stipulation bears the signature of only plaintiff's counsel and the second stipulation includes a certification from plaintiff's counsel that defendant's counsel had concurred in the filing of the stipulation.<sup>1</sup>

Originally, defendant ELW had noticed a hearing on its motion for July 28, 2009. Pursuant to Civ. L.R. 7-3, "[a]ny opposition to a motion must be served and filed not less than 21 days before the hearing date." Any opposition to the motion was due no later than July 7, 2009. As of July 13,

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<sup>1</sup> The parties' stipulations bear the date of July 10, 2009. However, both were filed on July 13, 2009 after the court had already entered its order.


1 2009, no opposition was filed and the court granted as unopposed defendant ELW's motion for  
2 award of attorneys' fees. ("July 13, 2009 Order"). *See* Docket No. 150. Pursuant to Civ. L.R. 7-7  
3 (a), a timely notice of continuance was not filed. Because an opposition to the above-specified  
4 motion was never filed, Civ. L.R. 7-7(b) is not applicable here. Accordingly,

5 IT IS HEREBY ORDERED that the parties' stipulation to change the hearing date on  
6 defendant Editions Limited West, Inc.'s motion for award of attorneys' fees is denied as moot.<sup>2</sup>

7 Upon the required showing, plaintiff may move for reconsideration pursuant to Civ. L.R. 7-9.  
8 Alternatively, plaintiff may move for relief from a judgment or order pursuant to Rule 60(b).

9 IT IS SO ORDERED.

10 Dated: July 14, 2009



PATRICIA V. TRUMBULL  
United States Magistrate Judge

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28 <sup>2</sup> The holding of this court is limited to the facts and particular circumstances underlying  
the present stipulations.